

July 16, 2003

Assemblymember Hannah-Beth Jackson
Capitol Building 4140
Sacramento, CA 95814

Re: **SB 440 (Burton), Law Enforcement Officers and Firefighters**
Position: **Strongly Oppose**

Dear Assemblymember Jackson:

The City of Santa Barbara strongly **opposes** **SB 440**, which would mandate a system of binding arbitration for settlement of labor disputes between agencies and law enforcement officers' and firefighters' unions, significantly eroding elected officials' budgetary control.

SB 440 is an attempt to defeat the April 2003 California Supreme Court decision in *County of Riverside v. Superior Court*, which held that mandatory binding interest arbitration provisions established by SB 402 were unconstitutional. The State Supreme Court ruled, in essence, that the State Legislature could not require a delegation of local government financial authority to a private party (a three-member arbitration panel).

SB 440 attempts to defeat that decision by adding the provision that the decision of the arbitrator may be overturned by a unanimous decision of a local government's elected body. Our governing bodies do not govern by unanimous decision. **SB 440** is the delegation of municipal fiscal decision-making power by the State Legislature to a panel of private arbitrators whose decision cannot be undone by a legitimate majority vote of the local elected body. This is almost identical in effect to what the Court found offensive in *Riverside*.

Local elected boards and councils are accountable to California voters; Private arbitrators are not. In addition, because they do not participate in the other responsibilities of governance, arbitrators do not have the overall sense of community needs and priorities necessary to weigh the various economic and social considerations and make responsible decisions about employee compensation. Under **SB 440**, even the voters themselves would be removed from the decision-making process, as amendments prohibit the arbitrators' award from being subject to voter approval.

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It is inappropriate for state legislators to continue this effort to undermine the fiscal independence of California cities at a time when we are struggling to maintain public safety and other essential services while facing threats of funding cuts for local programs and raids on local revenues to balance the state's budget.

I urge you to **vote NO on SB 440**.

Sincerely,

Marty Blum, Mayor

DO:hh

cc: League of California Cities, David Mullinax
Jim Armstrong, City Administrator
Don Olson, Special Projects Manager
Kristy Schmidt, Employee Relations Manager